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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,322	06/27/2003	Bach L. Nguyen	CE11124JI220	7997

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EXAMINER

HUANG, WEN WU

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/608,322	<b>Applicant(s)</b> NGUYEN ET AL	
	<b>Examiner</b> Wen W. Huang	<b>Art Unit</b> 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
 4a) Of the above claim(s) 10-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9, drawn to a user interface for mobile phone, classified in class 455, subclass 575.1.
- II. Claims 10-14, drawn to packaging and distributing of an incomplete product, classified in class 53, subclass 53.

The inventions are distinct, each from the other because of the following reasons:

Inventions Group One (claims 1-9) and Group Two (claims 10-14) are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case, the product (invention Group One) as claimed can be used in a materially different process such as a process of using a user interface of a mobile phone to interface with said mobile phone comprising applying pressure on said user interface.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Larry Brown on 03/07/2006 a provisional election was made without traverse to prosecute the invention of Group One, claims 1-9. Affirmation of this election must be made by applicant in replying to this Office action. Claims 10-14 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-6 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Serizawa et al. (US. 6,700,086 B2; hereinafter "Serizawa")

Regarding **claim 1**, Serizawa teaches a user interface for initiating a feature in a mobile communications unit (see Serizawa, fig. 25, component 60), comprising:

a flexible cover (see Serizawa, fig. 25, component 60a) having at least one contact surface, wherein a user engages said contact surface to initiate the feature in the mobile communications unit (see Serizawa, col. 21, lines 2-7), and having at least one extension extending away from said flexible cover (see Serizawa, fig. 25, components 33 and 37; col. 21, lines 8-9); and

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a flexible sheet (see Serizawa, fig. 25, components 60b-d), wherein said flexible cover and said flexible sheet are in a first position when undisturbed (see Serizawa, fig. 25, component 60; col. 21, lines 15-17, when component 60 is mounted) and a second position when being manipulated for incorporation into the mobile communications unit (see Serizawa, fig. 25, component 60; col. 21, lines 15-17, when component 60 is being mounted), wherein said flexible sheet (see Serizawa, fig. 25, component 60d) at least partially directs said flexible cover to return to said first position after said flexible cover and said flexible sheet are manipulated into said second position (see Serizawa, col. 21, lines 18-21).

Regarding **claim 2**, Serizawa also teaches the user interface according to claim 1, wherein said extensions extending away from said flexible cover detachably engage at least one slot mounted on the mobile communications unit when said flexible cover is in said first position (see Serizawa, col. 21, lines 21-23).

Regarding **claim 3**, Serizawa also teaches the user interface according to claim 1, wherein said flexible sheet includes at least one extension extending away from said flexible sheet (see Serizawa, fig. 32, components 24 and 33), said extensions of said flexible sheet corresponding to said extensions of said flexible cover (see Serizawa, fig. 32, component 324).

Regarding **claim 4**, Serizawa also teaches the user interface according to claim 1, wherein said flexible cover is constructed of a material selected from the group consisting of rubber and plastic (see Serizawa, col. 24, line 8 and col. 9, line 48).

Regarding **claim 5**, Serizawa also teaches the user interface according to claim 1, wherein said flexible sheet is constructed of metal (see Serizawa, fig. 32, component 24 and col. 10, lines 69-40; the electricity conductivity of the printed circuit reads on the limitation of being constructed of metal).

Regarding **claim 6**, Serizawa also teaches the user interface according to claim 1, further comprising at least one indicator, said indicator being disposed within and visible from said contact surface (see Serizawa, col. 21, lines 3-5 and col. 9, line 39).

Regarding **claim 9**, Serizawa also teaches the user interface according to claim 1, wherein the flexible cover includes a designation associated with a customer (see Serizawa, col. 21, lines 3-5 and 26-30; col. 9, line 39).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Serizawa as applied to claim 6 above, and further in view of Nickum (US. 7,003,279 B2)

Regarding **claim 7**, Serizawa teaches the user interface according to claim 6.

However, Serizawa is silent to teaching that wherein said indicator informs the user of a status of a network connection.

But, Nickum teaches a user interface (see Nickum, col. 7, lines 6-8 and 45-46) wherein said indicator informs the user of a status of a network connection (see Nickum, col. 7, lines 61-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Serizawa with the teaching of Nickum in order to provide a way to inform users of wireless services of a network condition (see Nickum, col. 1, lines 45-48).

Regarding **claim 8**, Serizawa teaches the user interface according to claim 6.

However, Serizawa is silent to teaching that wherein said indicator informs the user of the receipt of an incoming communications signal.

But, Nickum teaches a user interface (see Nickum, col. 7, lines 6-8 and 45-46) wherein said indicator informs the user of the receipt of an incoming communications signal (see Nickum, col. 7, lines 61-63).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Serizawa with the teaching of Nickum in order to provide a way to inform users of wireless services of a network condition (see Nickum, col. 1, lines 45-48).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen W. Huang whose telephone number is (571) 272-7852. The examiner can normally be reached on 10am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

wwh



3/20/06



**NAY MAUNG**  
SUPERVISORY PATENT EXAMINER